

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52027-2019

Date of Decision: 30.01.2020

Karan @ Batu

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Prashant Vashisth, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.410 dated 19.11.2018, under Section 302 read with Section 34 IPC, registered at Police Station Salem Tabri, Ludhiana City. He is in custody since his arrest on 19.11.2018.

The FIR in the present case was registered on the statement of complainant Jatinder, wherein it was stated that the complainant, Keshav Ram, Razwan and Mahesh Kumar were working in NSS Company Bahadurke Road. On 18.11.2018 at 7:40 p.m., when complainant, Mahesh Kumar and Keshav Ram were returning home after completing their work from company and when they reached near murga chicken counter, in the meantime, 2 persons on motor bike reached there and driver of the bike had worn a helmet and both of them had muffled their faces. They stopped their vehicle in front of Keshav Ram and started scuffling with him. When complainant and Mahesh Kumar reached there prior to that one unidentified person gave a kirch/knife blow to Keshav Ram due to that he fell down on

the road and the assailants were also trying to snatch the mobile phone of the victim, but mobile phone fell down on the spot. When the complainant and Mahesh Kumar tried to catch them, they fled away from the spot. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the complainant has clearly mentioned in the first information that the assailants were two in number and their faces were muffled. As per the first version, only one of the assailants stabbed victim Keshav Ram, who later on died on 19.11.2018. It is argued that the petitioner was named in the supplementary statement by the complainant on 23.11.2018 on the ground that the complainant forgot to give the names of the accused as he was under shock. He further submits that in the supplementary statement, three persons have been named and the petitioner had been shown as a companion of the other two, namely, Charanjit Singh, who gave knife blow and Love Kumar, who was driving the vehicle. According to the learned counsel, the trial is likely to consume considerable time, therefore, further custody of the petitioner may not be necessary.

On the other hand, learned State counsel assisted by ASI Surinder Kumar has opposed the prayer on the ground that the offence is serious. According to him, the petitioner was empty handed, but was accompanying the co-accused. It is not disputed by him that in the first version, it was mentioned that the faces of the assailants were muffled.

After hearing learned counsel for the parties and considering the above, this Court is of the opinion that trial of the case is likely to consume considerable time, therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on

the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Ludhiana.

The petition is allowed.

30.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No